

REMARKS

The Office Action dated January 9, 2006 has been carefully considered.

The specification has been objected to for lack of antecedence for the phrase "interface element adapted to interface with a vertebral body fixation element." The claims have been amended to remove this phrase, thereby obviating this ground for objection.

The Examiner requested a new IDS that includes identification of the portions of the Hudgins Thesis that are relevant to the present application. A new IDS satisfying this request is submitted with this Amendment.

Claims 1-2, 4-5, 7, 10, 12-16, and 47 have been rejected as anticipated by Stubstad et al. Patent No. 3,867,728. By this Amendment, the claims have been amended to place them in the condition previously indicated by the Examiner to be allowable. In particular, all of the claims under consideration have been amended to recite that the top and bottom endplates include a plurality of peripheral slots, and that a fiber is wound through at least one of said plurality of peripheral slots. As noted by the Examiner, the Stubstad patent does not disclose the recited peripheral slots.

Accordingly, Applicants believe that each of the claims, as amended, cannot be considered to be anticipated by Stubstad and patentably distinguish from that reference. A favorable action is respectfully solicited.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 150665.

Dated: April 7, 2006

Respectfully submitted,

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